

**MIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FISTON NGOY,</b>	:	<b>No. 3:18cv1584</b>
<b>Petitioner</b>	:	
	:	
<b>v.</b>	:	<b>(Judge Munley)</b>
	:	<b>(Magistrate Judge Arbuckle)</b>
	:	
<b>CLAIR DOLL, et al.,</b>	:	
<b>Respondents</b>	:	

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**ORDER**

Petitioner Fiston Ngoy filed his habeas corpus petition on August 9, 2018, seeking an immediate bond hearing. On August 9, 2018, the court issued an order directing service of the habeas petition and directing the respondent to file an answer or otherwise respond to the allegations of the petition by September 4, 2018. The government filed its response on September 4, 2018. The petitioner filed a traverse on September 18, 2018. At that time, the petitioner had an appeal lodged with the Board of Immigration Appeals challenging the Immigration Law Judge's decision that he was not eligible for withholding from removal under the Convention Against Torture because his prior misdemeanor sex abuse conviction was a "serious crime."

On February 3, 2019, Plaintiff's counsel filed a letter with the court informing the court that the Board of Immigration Appeals reversed the decision of the Immigration Law Judge regarding the petitioner's "serious crime"

conviction and remanded the case for a new hearing. In the meantime, Magistrate Judge Arbuckle issued a report and recommendation in the pending habeas petition, recommending that we grant the petitioner's request for a bond hearing. The government objected to the report and recommendation.

On April 25, 2019, counsel informed the court that on remand a new hearing was held on the petitioner's application for withholding from removal. The Immigration Law Judge granted the petitioner's application for withholding of removal in a written decision on March 25, 2019. The government did not appeal this decision, and the order is now final.

**AND NOW**, to wit, in light of the above-mentioned developments, the petitioner is hereby **ORDERED** to file a supplemental brief explaining his current position with regard to the pending habeas corpus petition within **seven (7) days** from the date of this order. The government shall file its response within **five (5) days** thereafter.

**BY THE COURT:**

**Date: April 29, 2019**

**s/ James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Judge**